IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No. 6110 of 2005
Date of decision : 06 November, 2006

Jagtar Singh and Ors. ...*Petitioners*

Versus

State of Punjab and Ors. .....*Respondents*

CORAM:HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: None

ASHUTOSH MOHUNTA, J. (Oral)

The dispute in the present petition is with regard to the sanctioning of mutation of inheritance of Hazoor Kaur. The petitioners as well as respondent Nos. 4 to 6, are brothers and sisters. Respondent No. 4 claimed that the mutation of inheritance of his mother Hazoor Kaur be made in his favour on the basis of a registered Will dated 01.09.1993. This was objected to by respondent Nos. 5 and 6 as well as the present petitioners, who also claimed that Hazoor Kaur had executed a registered Will dated 27.05.1991 in favour of her both sons i.e. Harbans Singh and Lehmber singh. The validity of the Wills are under challenge before the Civil Court.

The Commissioner had ordered that till a decision is taken by the civil Court, the matter regarding the mutation should be kept in abeyance. This order has been set aside by the Financial Commissioner, vide order dated 20.01.2004 with direction that none of the parties will alienate the suit property involved in inheritance.

After going through the petition, we are of the considered opinion that as the matter has already been pending before the civil Court, wherein the validity of the Wills are under challenge, therefore, the sanctioning of the mutation be kept in abeyance. It is further ordered that the petitioners as well as respondent Nos. 4 to 6 shall not alienate the suit property involved in inheritance. The Civil Court shall decide the matter expeditiously.

The present writ petition is, accordingly, disposed of in the above terms.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 06, 2006
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